IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10810 OF 2004

Sunil vishnu Patil . .. Petitioner.

vs.

Sou. Rajashri Sunil Patil .. Respondent .

Mr. P.M. Arjunwadkar for

G.S. Godbole for petitioner.

Mr. Rahul Kulkarni for respondent.

CORAM : S.U. KAMDAR, J.

DATE : 18th November, 2005.

P.C.:

. Pursuant to the order passed by this Court on 20.7.2005 directing the petitioner to deposit a sum of Rs. 1000/- in the trial Court the learned advocate for the petitioner states that they have deposited the aforesaid amount. In my opinion, once the order is passed of the deposit of Rs. 1000/- on 20.7.2005 the present impugned order cannot be sustained. It is because the said order is rejecting the application of the petitioner to condone the delay due to non-payment of cost of Rs. 200/-. The Court has felt that in the interest of

justice the delay may be condoned but the amount of cost be enhanced and accordingly it has done so by an order dated 20.7.2005. The respondent is permitted to withdraw the said amount of costs of Rs. 1000/- and she will be entitled to the same irrespective of the outcome of the present proceedings. The learned advocate for the petitioner states that he has already deposited Rs. 1000/- in HMP No. 235 of 2002. In view of the deposit of Rs. 1000/- as costs, the 6th Additional District Judge is directed to take the written say on record and proceed with the matter by permitting the petitioner to cross-examine the respondent in the light of the averments made in the written statement and in accordance with merit. However, in the interest of justice, I direct the expeditious hearing of HMP No. 235 of 2002 and further direct the 6th Additional District Judge to hear and dispose of the said matter in any event on or before 31.3.2006. With the aforesaid order, the petition stands disposed of. There shall be no order as to costs.